

I. Only natural earth tone colors will be permitted for mulch, stones, or rocks, and shall be subject to review and approval by the Community Development Director and the City Engineer.

J. Proper maintenance of parkways shall be the sole responsibility of the adjacent property owner at all times and at no expense to the City of Montclair.

11.60.080 Review Process.

The review of all landscaping projects subject to the provisions of this Chapter shall be performed by the Community Development Department pursuant to its general development review process for projects within the City as specified in Chapters 11.06 and 11.80. Landscaping may be reviewed as an individual project or as part of a larger development review submittal, whichever applies.

A. Submittal - Prior to issuance of a building permit or approval of an entitlement where landscaping is required, the project applicant shall submit a Landscape Documentation Package to the City for review and approval. The Landscape Documentation Package shall contain the information required by Section 11.60.110 herein.

The Landscape Documentation Package shall include certification indicating that the Landscape Concept Plan and water use calculations have been prepared by or under the supervision of a California licensed landscape architect and are certified to be in compliance with the provisions of this Chapter.

B. Review for Compliance - Landscape Documentation Package will be reviewed for completeness and compliance with the requirements of this Chapter. Water use calculations shall be consistent with calculations contained herein and shall be provided to the local water purveyor, as appropriate, under procedures determined by the City.

Following a review of the Landscape Documentation Package, the City will approve the Landscape Documentation Package if it is complete and in compliance with the requirements of this Chapter and will issue a permit, approve a plan check, or proceed to obtain formal project design review and approval from the Planning Commission or City Council. If the Landscape Documentaton Package is not complete or not in compliance with the requirements of this Chapter, it will be returned to the applicant for required corrections. Failure to comply with the requirements of this Chapter shall be grounds for denial of the project.

C. Design Approval - A Landscape Documentation Package shall be approved when the Community Development Director verifies that the proposed Landscape Concept Plan for the project complies with the provisions of this Chapter, other applicable provisions of this code, and when any applicable land use permit or other entitlement requirements have been fulfilled. A copy of the approved plan will be kept on file in order to use at a later date to ensure that the plan was implemented as permitted and maintained as required.

D. Plan Check - When a Landscape Documentation Package has been approved by the Community Development Director, it shall be submitted to the Building Division and/or City Engineer for plan check review and subsequent issuance of required permits. Plans submitted for plan check review shall be shall be consistent with and in compliance with the approved Landscape Documentation Package for a project.

D. Inspection Prior to Occupancy - Prior to the issuance of a Certificate of Occupancy or a final approval of a building permit, a field inspection, requested by the owner, must be conducted by the City to determine that materials have been installed in accordance with the approved Landscape Concept Plan.

E. Verification - Verification of compliance of the landscape installation with the approved plans shall be obtained through a *Certification of Completion* in conjunction with a Certificate of Occupancy or final permit approval process. The Landscape Architect shall submit, prior to issuance of a Certificate of Occupancy, or final approval inspection, a sealed letter of concurrence certifying that the project has been implemented in accordance with the approved plans signed and sealed by the landscape architect.

Any as-built changes made during construction and approved by the landscape architect must be noted in digital and conventional drawings delivered to the Director with the written letter of certification. This certification does not make the landscape architect responsible for the success of the project, responsible for required maintenance, or responsible for the long-term survivability of the living materials used in the project.

11.60.090 Landscape Architect Required.

All landscape plans for landscaping projects subject to the provisions of this Chapter shall be prepared by a licensed landscape architect and bear the official seal and signature of the landscape architect responsible for their preparation.

11.60.100 Plan Readability and Enforceability.

The landscape plan is a legal document that is binding on the developer or owner, successors, and assigns. The landscape plan is a commitment to quality and is a longterm maintenance agreement. Therefore, the plans must be complete and legible and will not be accepted if information is illegible or missing.

11.60.110 Landscape Documentation Package.

Projects subject to the provisions of this Chapter shall be required to provide a complete Landscape Documentation Package meeting the intent and design criteria of this Chapter. The Landscape Documentation Package shall include the following items:

- A. Development Review Application accompanied by the associated fee;
- B. Landscape Concept Plan;
- C. Water Budget;
- D. Landscape Construction Drawings (including a grading plan, irrigation plan, plant plan);
- E. Soils Test presenting laboratory analysis of soil samples and recommendations; and
- F. Approved Water Quality Management Plan (WQMP).

11.60.120 Landscape Concept Plan Requirements.

The Landscape Concept Plan shall be prepared by a licensed landscape architect. Any documentation packages submitted without the signature of a licensed landscape architect shall not be accepted for review. The Landscape Concept Plan shall include the following elements:

A. Design Statement and Concept. The design statement and concept plan shall demonstrate awareness of the water conservation goals and design standards and specifications contained in this Chapter.

B. Landscape Site Plan. The landscape site plan shall be drawn to scale, fully dimensioned and detailed, and shall include the following information:

1. A north arrow, scale, site boundaries, calculation of the total landscape area, identification of topographic features on and adjacent to the site, approximate slope percentages, and solar exposure; and
2. Location of all buildings, parking areas, and any other physical structures/improvements on the project site, including fences and walls, light fixtures, meters and utility boxes, transformers, fire equipment, other ground mounted equipment, etc.
3. Proposed hydrozones, plant palette (with botanic and common names), and planting notes (i.e. number and size of plants, planting distances, etc.);
4. Location of existing plant materials to be preserved (including street trees) on the site;
5. Tree staking, plant installation, soil preparation details, and other applicable planting and installation details;
6. Any Water Quality Management Plan requirement as it relates to landscape design; and
7. Any other such information that may be required by the Community Development Director that is reasonable and necessary to determine that the landscape design plan meets the requirements of this Chapter.

C. Plant Selection and Grouping Criteria. The following criteria shall be considered in selecting plants and for plan preparation:

1. Unless otherwise prohibited by this Chapter or the Montclair Municipal Code, any plant may be used in the landscape plan if the EAWU (Estimated Annual Applied Water Use) does not exceed the MAWA (Maximum Annual Water Allowance).
2. Select plants based upon their adaptability to the climate, geologic, and topographical conditions of the site. The use of long-lived drought tolerant or native and/or regionally grown plant species are recommended to meet MAWA limits. A water efficient landscape material list meeting these criteria is on file with the Community Development Department.
3. Short-lived annual or exotic plant species may be utilized in moderation as a supplement to the long-lived materials.
4. Group plants having similar water needs together in distinct hydrozones.
5. Protect and preserve existing native species, particularly healthy trees and natural areas whenever feasible.

D. Minimum Plant Quantities and Sizes:

1. **Street Trees:** All Street Tree selections shall be consistent with the Approved Street Tree Plan. Ultimate placement and spacing will depend on tree species, parkway width, existing in-ground or overhead utility poles and wires, and/or any other extraordinary field condition as determined by the Community Development Director.
 - a. For residential properties: a minimum of 1 (one) street tree per street frontage and/or 2 street trees for every corner lot. Minimum tree size shall be 24-inch box size.

b. For non-residential properties: A minimum of one 24-inch box size street tree shall be planted per property street frontage, spaced at 35 feet on center, or as otherwise specified by the Community Development Director.

2. Trees: A minimum of one 15-gallon-sized tree shall be planted for every 300 square feet of landscaped area on the property.

a. One tree or 20 percent of the required number of trees (whichever is greatest) shall be in a minimum box size of 24 inches.

b. Required trees may be located anywhere within the street yard planting area, at least 5 feet away from adjacent public sidewalks.

3. Shrubs: A minimum of one shrub shall be planted for each 25 square feet of front and street corner side yard areas. Minimum shrub size at installation shall be 5-gallon size or 1-gallon size for California Native shrubs.

4. Groundcovers: Ground covers shall be installed in all landscaped areas at a quantity and spacing distance that will achieve at least 80 percent coverage within one (1) year from the date of planting.

5. Turf: Minimize the use of turf. Where turf is installed, the following standards shall be considered:

a. Turf areas shall be used wisely in response to functional needs and shall not exceed the MAWA.

b. Use of warm season turf is strongly encouraged.

c. Limit the use of turf to high use areas or for specific recreational uses.

d. Turf shall not be permitted on slopes greater than 4:1.

e. All turf areas shall be separated from other landscaped areas by concrete curbing, redwood header board, or other acceptable and durable material.

f. Use of turf within parking area landscape islands is strongly discouraged. In no case shall turf be allowed in any landscaping islands or planters with less than an 8-foot dimension in any direction.

6. Avoid use of invasive species of plants especially near parks, buffers, greenbelts, water bodies, and open spaces because of their potential to cause harm in sensitive areas.

7. Use organic mulch within developed landscapes to retain moisture. At least two inches of mulch shall be used in all non-turf planting areas and slopes of 4:1 or greater. For slopes of 4:1 or greater, jute netting or other slope stabilization measures shall be required.

E. Water Features:

1. Recirculating water systems shall be used for decorative water features.

2. Where available, recycled water shall be used as the source for water features (excluding swimming pools and spas).

3. The surface area of a water feature shall be included in the MAWA calculation with the evaporation rate being equivalent to that of a high water use plant.

11.60.130 Synthetic Turf.

Synthetic turf may be incorporated as an element of a landscaping plan as a substitute for natural turf and for the purposes of water conservation. The Community Development Director shall review and approve all requests to install synthetic turf subject to the following criteria:

A. Synthetic turf shall consist of lifelike individual blades of grass that emulate real grass in look and color and have a minimum pile height of 1½

inches. The use of indoor or outdoor plastic or nylon carpeting as a substitute for artificial turf or natural turf is prohibited.

B. Synthetic turf shall be limited to a maximum of 50 percent of the of the landscape area visible to a public street, and shall be permitted only in combination with other live plant materials (i.e., trees, shrubs, and groundcover) that are designed to achieve an overall natural landscaped appearance for the property.

C. In no case shall synthetic turf be used in combination with natural turf in the same landscape area, or in a landscaping scheme where both elements can be viewed together.

D. Proper drainage shall be provided for all synthetic turf installations to prevent excess runoff or pooling of water. In some cases, a drainage plan prepared by a Registered Civil Engineer may be required.

E. Synthetic turf shall be professionally installed and routinely maintained to effectively simulate the appearance of a well-maintained live lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions.

F. Synthetic turf shall not be included as part of the landscape area when calculating the MAWA.

11.60.140 Development of a Water Budget.

To promote water conservation, projects subject to this ordinance shall develop a water budget. The water budget is based on the Maximum Applied Water Allowance (MAWA), which is a calculation of the maximum amount of water allowed to be used within the landscape area, and the Estimated Applied Water Use (EAWU), which is the actual amount of water to be used within the landscape area. The EAWU cannot exceed the MAWA.

A. Maximum Applied Water Allowance (MAWA). A landscape's maximum applied water allowance shall be calculated using the following formula:

$$\text{MAWA} = (\text{ETo}) (0.7) (\text{LA}) (0.62)$$

Where:

ETo = Evapotranspiration Rate

0.7 = Evapotranspiration (ET) Adjustment Factor

LA = Landscape Area

0.62 = Conversion factor (to gallons)

For special landscape areas, the ET adjustment factor is 1.0. When the project area consists of both standard and special landscape areas, calculate each area separately and combine to receive a final MAWA.

B. Estimated Applied Water Use (EAWU): A landscape's Estimated Applied Water Use shall be calculated using the following formula:

$$(\text{ETo})(0.62) \left(\frac{\text{PF} \times \text{HA}}{0.71} + \text{SLA} \right)$$

Where:

ETo = Evapotranspiration Rate

0.62 = Conversion factor (to gallons)

PF = Plant Factor
HA = Hydrozone area (square feet)
0.71 = Irrigation efficiency
SLA = Special Landscape Area (square feet)

C. Water Budget Calculations. All water budget calculations shall adhere to the following requirements:

1. The plant factor used shall be from "Water Use Classification of Landscape Species" (WUCOLS). Plant factor ranges from 0.0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants and from 0.7 to 1.0 for high water use plants.

2. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.

11.60.150 Landscape Construction Plans.

A. Grading Plan - Grading on-site shall be designed to minimize unnecessary soil compaction, erosion, and water waste. Grading plans must satisfy City grading ordinances and be submitted as part of the Landscape Documentation Package. The grading plan shall include the following information:

1. Locations of all physical improvements on the site, including buildings/structures, paving, curbing, walls/fences, etc., with grade elevations noted.

2. All cut-and-fill slopes indicated with appropriate symbols and noting slope ratios.

3. Sufficient information about the grades of adjacent properties and streets so as to make clear the relationship of the subject property to the adjacent properties.

4. Drainage patterns and improvements.

5. Erosion and sediment control measures for all phases of the construction project.

B. Soil Testing - Soil testing shall be performed after mass grading, but prior to landscape installation to ensure the selection of appropriate plant material that is suitable for the site, and reported in a Soil Management Plan. The Soil Management Plan shall include:

1. Determination of soil texture, indicating the available water holding capacity;

2. An approximate soil infiltration rate as measured or derived from a soil texture/infiltration rate table. A range of infiltration rates shall be noted where appropriate;

3. Measure of pH and total soluble salts; and,

4. Recommended soil amendments.

C. Water Management Plan - A Water Management Plan shall be prepared and submitted as part of the Landscape Documentation Package in accordance with the requirements of this Chapter. The Plan shall include the following information:

1. A description of the site conditions and the anticipated water requirements in inches per year, and water budget for the various hydrozones identified in the Landscape Concept Plan. The Water Management Plan shall include calculations demonstrating an overall water budget that requires no more

irrigation than the 0.7 of the ET adjustment factor. This includes full calculations for both the MAWA and EAWU.

2. Identify the party(ies) responsible for implementation of the Water Management Plan.

3. Describe water delivery systems, including the type of irrigation system to be used, and water conservation methods to be applied.

4. Specify seasonal irrigation water schedules or procedures for programming proposed SMART controllers.

5. Provide a maintenance schedule for the ongoing operation and maintenance of the irrigation system.

11.60.160 Irrigation Requirements.

A. Irrigation Plan. The irrigation plan shall be prepared and submitted as part of the Landscape Documentation Package for review and approval. The plan shall use the same format and scale as the Landscape Concept Plan, and shall include the following information:

1. The location and size of water meter(s) used for landscape irrigation purposes;

2. The location, type, and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, recycled water systems, moisture sensing devices, rain cut-off switches, quick couplers, and backflow prevention devices;

3. The static water pressure at the point of connection to the public water supply;

4. The flow rate (GPM), application rate/inches per hour (IPH), and design operating pressure (PSI) for each station.

5. An irrigation schedule that identifies the runtime (in minutes per cycle), number of cycles per day, and number of days per week.

6. The amount of applied water (in 100 cubic feet) recommended on a monthly and annual basis.

7. A regular maintenance schedule for checking, adjusting, and repairing irrigation equipment and resetting automatic controllers.

B. Irrigation System Design Criteria

1. Dedicated (i.e., separate) landscape water meters shall be installed for all projects with landscape areas greater than 5,000 square feet, except for single-family residences. Dedicated landscape water meters are also highly recommended on landscape areas less than 5,000 square feet to facilitate water management.

2. Provide separate valves for each plant hydrozone. The planting areas shall be grouped and irrigated in relation to hydrozones based on similarity of water requirements (i.e., turf separate from shrubs and groundcover, full sun exposure areas separate from shade areas, top of slope separate from toe of slope).

3. All irrigation systems shall be designed to prevent runoff, over-spray, low-head drainage, and other similar conditions to the greatest extent practical. This can be accomplished through the use of low-trajectory spray nozzles to reduce the effect of wind velocity on the spray system and by placing sprinkler heads to reduce or eliminate direct overspray onto impervious areas.

4. Soil types and infiltration rates shall be considered when designing irrigation systems.

5. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible. For the purpose of determining the MAWA, irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed 0.71 efficiency.

6. All irrigation systems shall include a SMART irrigation controller, or other equivalent technology which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions.

7. A rain sensor with an automatic rain shut-off feature shall be required as part of any irrigation system.

8. Sprinkler heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.

9. Soil moisture-sensing devices are recommended where appropriate.

10. Narrow or irregularly shaped areas, including turf, with a dimension of less than eight (8) feet in any direction, shall be irrigated with subsurface irrigation or other low volume irrigation technology.

11. Overhead irrigation shall not be permitted within 24 inches of any impervious surfaces. Allowable irrigation within the setback from impervious surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

a. The landscape area is adjacent to pervious surfacing and no overspray and runoff occurs;

b. The adjacent impervious surfaces are designed and constructed to drain entirely to landscape areas; or

c. The irrigation designer specifies an alternative design or technology that will prevent overspray and runoff.

12. Non-turf areas on slopes greater than 25 percent shall be irrigated with drip irrigation or other low-volume irrigation technology.

13. An anti-drain check valve(s) shall be installed to prevent low-head drainage in sprinkler heads.

14. A pressure regulator shall be installed when the static water pressure exceeds the maximum recommended operating pressure of the irrigation system.

C. Irrigation Maintenance

1. Landscape irrigation shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but not be limited to, checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; replenishing mulch; fertilizing; and pruning and weeding.

2. Repair of irrigation equipment shall be done with the originally specified materials or their equivalents.

11.60.170 Recycled Water.

A. The installation of recycled water irrigation systems (i.e., dual distribution systems) shall be required to allow for the current and future use of recycled water, unless a written exemption by the Monte Vista Water District has been granted stating that recycled water will not be available in the foreseeable future.

B. The recycled water irrigation systems shall be designed and operated in accordance with all local agency, Monte Vista Water District, and State codes and regulations.

11.60.180 Water Quality Management Plan.

A Water Quality Management Plan (WQMP) combines practices into the landscape, irrigation, and grading design plans to minimize runoff and increase retention and infiltration, and is highly recommended on-site. Each project shall incorporate stormwater management practices into the project design that minimize runoff, increase on-site infiltration, and improve water quality as necessary to comply with applicable stormwater regulations.

A. Implementing stormwater Best Management Practices (BMPs) into the landscape, irrigation, and grading design plans to minimize runoff, and increase retention and infiltration are highly recommended on-site.

B. Prior to submitting an application for plans examination, grading permit or building permit, all qualifying land development/redevelopment projects shall submit and receive approval from the City for a WQMP. The WQMP shall identify all BMPs that will be incorporated into the project to control stormwater and non-stormwater pollutants during and after construction and shall be revised as necessary during the life of the project. The WQMP submittal applies to construction projects covered by the NPDES Permit and General Construction Permit as well as construction projects less than five (5) acres.

C. No Certificate of Occupancy shall be issued for a development/redevelopment project without ensuring that all treatment control BMPs as specified in the approved WQMP will be maintained in compliance with the requirements of the municipal permit. To ensure maintenance of BMPs, the owner of the development site shall enter into a permanent storm water quality BMP maintenance agreement with the City and have the maintenance agreement recorded at the County of San Bernardino.

D. Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any stormwater ordinances and WQMPs.

11.60.190 Modification or Waiver from Specific Requirements.

The Community Development Director may administratively modify or waive one or more such requirements of this Chapter when practical difficulties make their strict application infeasible. The Community Development Director shall review the plans and a written detailed explanation of the reason(s) for the waiver request, and make a determination on the request based on both of the following findings:

A. Practical difficulties make the strict application of portions of the ordinance infeasible; and

B. The waiver is consistent with the purpose and intent of the Ordinance in that the project substantially achieves the overall objective of water conservation.

11.60.200 Coordination with Local Water Agency.

The City shall coordinate with the Monte Vista Water District in the review of Landscape Documentation Package, including assistance in the review of proposed water budgets for projects. Whenever feasible, the City shall seek District assistance in requiring dedicated irrigation meters for all new metered connections, in providing irrigation surveys and/or water use analyses to existing

and new landscapes, in developing and distributing public information materials on water conservation, and in reviewing project applications for future recycled water usage potential and recycled water system design specifications. Whenever feasible, the City shall assist the District in enforcing applicable water waste prevention measures as established by District ordinances and/or resolutions.

11.60.210 Minor Revisions to Approved Landscape Plans.

Minor changes to approved landscape plans subject to this Ordinance may be approved by the Community Development Director, or designee, when there is:

- A. No significant reduction in the quantity of plant materials.
- B. No significant change in size or location of plant materials.
- C. A lack of availability for specified plant materials and the new plants are of the same general category (e.g., evergreen tree or shrub) and have the same general design characteristics as the materials being replaced.
- D. No significant change in the approved irrigation plan or MAWA calculations.

11.60.220 Certificate of Completion.

A. Upon completion of the installation of landscaping and irrigation systems, a certified landscape irrigation auditor shall conduct an irrigation audit.

B. A licensed landscape architect or contractor, or other licensed or certified professional in a related field, shall conduct a final field inspection and shall prepare a Certificate of Completion, which shall be filed with the Community Development Director. The Certificate of Completion shall specifically indicate that plants were installed as specified by the landscape design plan, that the irrigation system was installed as specified by the irrigation design plan, and that an irrigation audit has been performed.

- C. The Certificate of Completion shall include the following:
- 1. Date;
 - 2. Project name;
 - 3. Project applicant name, telephone, and mailing address;
 - 4. Project address and location;
 - 5. Property owner name, telephone, and mailing address;
 - 6. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;
 - 7. Landscape and irrigation maintenance schedule;
 - 8. Irrigation Audit Report; and
 - 9. Soil analysis report and documentation verifying implementation of soil report recommendations.

11.60.230 Inspection and Enforcement.

Upon notice to the property owner, the Community Development Director, or his/her designee, shall have the right to enter the project site to conduct inspections for the purpose of enforcing this Ordinance before, during, and immediately after installation of the landscaping.

A. Any landscaping that is installed, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Chapter, or

failure to comply with any of the conditions of a permit or variance granted under this Chapter is declared to be unlawful. The City Attorney may initiate an action or proceeding to enforce the provisions of this Chapter, as appropriate.

B. A copy of the approved Landscape Documentation Package shall be submitted to the Monte Vista Water District. If the property is found to be in excess of its established MAWA, the property shall be subject to a landscape water audit conducted by the District or its designee and shall implement remedies recommended by the audit.

C. Landscaping found to be improperly installed or not according to approved plans is subject to correction. Installations deemed to be significantly different than approved may be required to re-submit plans for City review and approval including the payment of additional fees.

11.60.240 Maintenance of Approved Landscapes.

All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency. A regular maintenance schedule shall be submitted to the City with the Certificate of Completion and a copy shall be kept by the property owner for reference.

A. Any plant material that does not survive or which was removed or destroyed, shall be replaced upon its demise or removal, with plant material of like type and size as that which was originally approved and installed.

B. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form are significantly altered. Trees shall only be pruned as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree) according to established horticultural standards. Improperly or severely pruned trees, including topping as defined by this Ordinance, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.

C. All landscape areas and material shall be maintained in a healthy, neat, clean, and weed-free condition.

D. Modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.

Section III. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

Section IV. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after passage.

Section V. Posting.

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

APPROVED AND ADOPTED this ___ day of _____ 2010.

Mayor

ATTEST:

City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 10-913 of said City, which was introduced at a regular meeting of the City Council held on the ___ day of _____, 2010, and finally passed not less than five (5) days thereafter on the ___ day of _____, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Donna M. Jackson
City Clerk